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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF NEVADA

10 Angela Richardson,  
11 Plaintiff,  
12 vs.

Docket No.: \_

**COMPLAINT**

13  
14 Pinnacle Credit Services, LLC  
15 Defendant.  
16 \_\_\_\_\_

17  
18 Plaintiff Angela Richardson ("Plaintiff") by and through her attorneys, The Law  
19 Offices of Robert M. Tzall, as and for her Complaint against Defendant Pinnacle Credit  
20 Services, LLC, ("Defendant") respectfully sets forth, complains and alleges, upon  
21 information and belief, the following:  
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23  
24 **JURISDICTION AND VENUE**

- 25 1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as well as 15  
26 U.S.C. § 1692 *et seq.*  
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- 1 2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) being that  
2 the acts and transactions occurred here, Plaintiff resides here and Defendant transacts  
3 business here.  
4  
5 3. Plaintiff brings this action for damages and declaratory and injunctive relief arising  
6 from the Defendant's violation(s) of 15 U.S.C. § 1692 *et seq.*, commonly known as  
7 the Fair Debt Collections Practices Act ("FDCPA").  
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### 10 **PARTIES**

- 11 4. Plaintiff is a resident of the State of Nevada, County of Clark, residing at 4701  
12 Lawrence Street, Apt. 2159, North Las Vegas, NV 89081.  
13  
14 5. Defendant is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and  
15 used in the FDCPA, with an address at P.O Box 10497 MS576, Greenville, SC 29603.  
16  
17 6. Defendant was acting as a debt collector with respect to the collection of the Plaintiff's  
18 alleged debt.  
19

### 20 **FACTUAL ALLEGATIONS**

- 21 7. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though  
22 fully stated herein with the same force and effect as if the same were set forth at length  
23 herein.  
24  
25 8. On information and belief, on a date better known to Defendant, Defendant began collection  
26 activities on an alleged consumer debt from Plaintiff ("Alleged Debt").  
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- 1 9. The Alleged Debt was incurred as a financial obligation that was primarily for personal,  
2 family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C.  
3 § 1692a(5).  
4
- 5 10. Specifically the alleged debt was a personal phone bill for cellular phone services provided  
6 by Verizon Wireless Cellco Partnership and is defined as a personal obligation and  
7 consumer debt under the FDCPA.
- 8 11. The reporting of a debt to a credit reporting agency by a debt collector is a communication  
9 covered by the FDCPA, as is the failure to communicate information.
- 10 12. This statute is explained in *Wilhelm v. Credico, Inc.*, 519 F.3d 416 (8th Cir.2008) - “The  
11 relevance of the portion of § 1692e(8) on which [plaintiff] relies—“including the failure to  
12 communicate that a disputed debt is disputed”—is rooted in the basic fraud law principle  
13 that, if a debt collector *elects* to communicate “credit information” about a consumer, it must  
14 not omit a piece of information that is always material, namely, that the consumer has  
15 disputed a particular debt.  
16
- 17 13. This interpretation is confirmed by the relevant part of the Federal Trade Commission's  
18 December 1988 Staff Commentary on the [FDCPA]:  
19  
20
- 21 1. Disputed debt. If a debt collector knows that a debt is disputed by the consumer ... *and*  
22 *reports it to a credit bureau*, he must report it as disputed.  
23  
24
- 25 2. Post-report dispute. *When a debt collector learns of a dispute after reporting the debt to a*  
26 *credit bureau, the dispute need not also be reported.*  
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1 *Id.* at 418 (emphasis in original) (citing FTC Staff Commentary, 53 Fed.Reg. 50097–02,  
2 50106 (Dec. 13, 1988))

3 14. Many district courts have followed the *Wilhelm* court's approach. *See, e.g., Jacques v.*  
4 *Solomon & Solomon P. C.*, 2012 U.S. Dist. LEXIS 118092, \* 11 (D.Del.2012) (“The duty to  
5 report a debt under [Section 1692e(8)] arises only if one elects to report credit  
6 information”); *Donatelli v. Warmbrodt*, 2011 U.S. Dist. LEXIS 69207, \*27–28  
7 (W.D.Pa.2011) (“There is no authority to support the proposition that a debt collector must  
8 inform the credit reporting agency that the consumer disputes the debt”) (citation  
9 omitted); *Edeh v. Aargon Collection Agency, LLC*, 2011 U.S. Dist. LEXIS 79160, \*11  
10 (D.Minn.2011) (“when a debt collector learns that a debt is disputed only after the collector  
11 has reported the debt to the credit reporting agencies, the collector has no affirmative  
12 obligation to report the dispute”); *Benson v. Med–Rev Recoveries, Inc. (In re Benson)*, 445  
13 B.R. 445, 449–50 (Bankr.E.D.Pa.2010) (“Plaintiff’s premise is that a disputation of a debt  
14 after such debt is reported by a consumer reporting agency creates a duty on the entity that  
15 informed or furnished such information to the agency to update the credit report to reflect  
16 that such debt is disputed. This is incorrect....”); *Kinel v. Sherman Acquisition II LP*, 2006  
17 U.S. Dist. LEXIS 97073, \*53–54 (S.D.N.Y.2006) (noting a “dearth of precedent” on the  
18 issue of whether a debt collector has an affirmative duty to report a dispute made after it  
19 initially reported the debt, relying upon the 1988 FTC Commentary, and stating that “the  
20 FTC Commentary has interpreted § 1692e(8) as not explicitly requiring a debt collector to  
21 update information about the disputed status of a debt about which it has not reported, or  
22 about which it has already reported prior to a consumer’s dispute”); *Black v. Asset*  
23 *Acceptance, LLC*, 2005 U.S. Dist. LEXIS 43264, \*13 (N.D.Ga.2005) (“only if a debt  
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1 collector reports a consumer debt to a credit bureau under Section 1692e(8) must he then  
2 also report that debt as disputed”) (emphasis in original).

3 15. The facts here are analogous to the decisions cited above as Defendant reported the Alleged  
4 Debt on the Plaintiff’s credit report.

5 16. Plaintiff disputed the Alleged Debt directly with the Defendant with a dispute letter on  
6 December 2, 2016.

7 17. Plaintiff examined her credit report again in February of 2017, and found that Defendant  
8 had **re-reported** the credit account to the bureau(s) in February of 2017.

9 18. When Defendant **re-reported the credit account after it received Plaintiff's dispute**  
10 **letter**, Defendant failed to list the account as "disputed by consumer" despite being required  
11 to do so as explained above under §1692e(8).  
12

13 19. With the failure to remove the trade line, or mark same as disputed **the Plaintiff's credit**  
14 **score, a benchmark for near all facets of life in today's society has been deflated.**

15 20. **The Plaintiff's credit score has been significantly lowered, which has resulted in**  
16 **inability to gain credit, less favorable interest rates and could hinder future**  
17 **employment opportunities.**  
18

19 21. As a result of Defendant's deceptive, misleading and unfair debt collection practices,  
20 Plaintiff has been damaged.  
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22  
23 **FIRST CAUSE OF ACTION**  
24 **(Violations of the FDCPA)**

25 22. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though  
26 fully state herein with the same force and effect as if the same were set forth at length  
27 herein.  
28

1 23. When Defendant re-reported the credit account after it received Plaintiff's dispute letter,  
2 Defendant failed to list the account as "disputed by consumer" despite being required to do  
3 so.

4 24. With the failure to remove the trade line, or mark same as disputed the Plaintiff's credit  
5 score, a benchmark for near all facets of life in today's society has been deflated.  
6

7 25. The Plaintiff's credit score has been significantly lowered which has resulted in inability to  
8 gain credit, less favorable interest rates and could hinder future employment opportunities.

9 26. Defendant's failure to list the account as "disputed by consumer" despite being required to do  
10 so by the FDCPA, violate various provisions of the FDCPA, including but not limited to 15  
11 U.S.C. §§ 1692e, 1692e(2), 1692e(5), 1692e(8), 1692e(10) and 1692f.  
12

13 27. As a result of the Defendant's violations of the FDCPA, Plaintiffs have been damaged and is  
14 entitled to damages in accordance with the FDCPA.  
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16  
17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiffs demand judgment from the Defendant as follows:

- 19 a) For actual damages provided and pursuant to 15 U.S.C. § 1692k(a)(1);  
20 b) For statutory damages provided and pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
21 c) For attorney fees and costs provided and pursuant to 15 U.S.C. § 1692k(a)(3);  
22 d) For declaratory relief stating that Defendant violated the FDCPA; and  
23 e) For any such other and further relief, as well as further costs, expenses and  
24 disbursements of this action as this Court may deem just and proper.  
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28 DATED, this 12<sup>nd</sup> day of January, 2018

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*Richardson*

s/Robert M. Tzall  
Robert M. Tzall  
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